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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,508	10/12/2001	David S. Allison	0007056-0196/P5939	3995
32615	7590	09/13/2004	EXAMINER	
OSHA & MAY L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			INGBERG, TODD D	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/977,508

Applicant(s)

ALLISON, DAVID S.

Examiner

Todd Ingberg

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1 – 30 have been examined.

### *Oath/Declaration*

1. It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. Applicant has elected to select portions of 37 CFR 1.56. The United States Patent Office does not offer this as an option.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – N are rejected under 35 U.S.C. 102(b) as being anticipated by Visual C++, as taught by Ivor Horton's, "Beginning Visual C++ 5, published March 19, 1997 (referred to as C++ ).

### *Term's in the Art*

The following are terms in art the one of ordinary skill in the art should have knowledge of at the time of invention and the interpretations given during prosecution.

**A. Dynamic-Link Library (DLL)** - [Microsoft Computer Dictionary, page 166, published September 19, 1997]

A feature of the Microsoft Windows family of operating systems and OS/2 that allows executable routines to be stored separately as files with the DLL extensions and to be loaded only when needed by a program. A dynamic-link library has several advantages. First, it does not consume any memory until it is used. Second, because a dynamic-link library is a separate file, a programmer can make corrections or improvements to only that module without

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affecting the operation of the calling program or any other dynamic-link library. Finally, a programmer can use the same dynamic-link library with other programs.

**B. Dynamic Link Library (DLL)** as defined by the IBM Dictionary page 225. "A file containing executable code and data bound to a program at load time, or run time, rather than during linking. The code and data in a dynamic link library can be shared by several applications simultaneously."

**Claim 1**

C++ anticipates a method of extending (C++, page 715, Dynamic Link Library (DLL) see Chapter 18 ); a program element (C++, page 267, Class) comprising: writing source code (C++, Chapters 8 and 9, writing classes) wherein said source code includes said program element (C++, source code containing a class); determining if said program element is to be extended (C++, DLL); and extending said program element (C++, pages 711- 730, How DLLs work), if so, using an extend structure (C++, contents of DLL – example using class as per rejection stated above).

**Claim 2**

The method of claim 1 wherein said program element is defined in a repository of computer code (C++, page 21, ability to add files to project) .

**Claim 3**

The method of claim 1 wherein said program element is a function. (C++, Chapters 8 and 9, specifically page 270, writing classes – classes contain members, methods, functions)

**Claim 4**

The method of claim 3 wherein said extending comprises: providing a set of program code wherein said program code is executed whenever said function is executed. (C++, page 715, Dynamic Link Library (DLL) see Chapter 18 specifically page 717)

**Claim 5**

The method of claim 1 wherein said program element is an enumeration (C++, pages 46 - 47 , supports enumeration).

**Claim 6**

The method of claim 1 wherein said extending comprises: providing a set of program code wherein said program code adds one or more elements to said enumeration. . (C++, page 715, Dynamic Link Library (DLL) see Chapter 18 specifically page 717 in view of enumeration as per claim 5 also see DLL by definition)

**Claim 7**

The method of claim 1 wherein said program element is a class (C++, page 267, Class).

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**Claim 8**

The method of claim 7 wherein said extending comprises: providing a set of program code wherein said program code adds one or more member variables to said class. (C++, page 715, Dynamic Link Library (DLL) see Chapter 18 also see DLL by definition)

**Claim 9**

The method of claim 7 wherein said extending comprises: providing a set of program code wherein said program code adds one or more member functions to said class (C++, page 715, Dynamic Link Library (DLL) see Chapter 18 also see DLL by definition).

**Claim 10**

The method of claim 7 wherein said extending comprises: providing a set of program code wherein said set is executed whenever a constructor for said class is executed. (C++, page 715, Dynamic Link Library (DLL) see Chapter 18 also see DLL by definition – if the class contains a constructor that is called the instruction executes, C++ supports constructors page 278)

**Claim 11**

C++ anticipates a program element extender (DLL, as per claim 1) comprising: source code wherein said source code includes a program element (DLL, as per claim 1); a determiner configured to determine if said program element is to be extended (DLL as per claim 1); and an extender configured to extend said program element, if so, using an extend structure (DLL as per claim 1).

**Claim 12**

The program element extender of claim 11 wherein said program element is defined in a repository of computer code. As per the rejection for claim 2.

**Claim 13**

The program element extender of claim 11 wherein said program element is a function. As per the rejection for claim 3.

**Claim 14**

The program element extender of claim 13 wherein said extender comprises: a program code provider configured to provide a set of program code wherein said program code is executed whenever said function is executed. As per the rejection for claim 4.

**Claim 15**

The program element extender of claim 11 wherein said program element is an enumeration. As per the rejection for claim 5.

**Claim 16**

The program element extender of claim 15 wherein said extender comprises: a program code provider configured to provide a set of program code wherein said program code adds one or more elements to said enumeration. As per the rejection for claim 6.

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**Claim 17**

The, program element extender of claim 11 wherein said program element is a class.

As per the rejection for claim 7.

**Claim 18**

The program element extender of claim 17 wherein said extender comprises: a program code provider configured to provide a set of program code wherein said program code adds one or more member variables to said class. As per the rejection for claim 8.

**Claim 19**

The program element extender of claim 17 wherein said extender comprises: a program code provider configured to provide a set of program code wherein said program code adds one or more member functions to said class. As per the rejection for claim 9.

**Claim 20**

The program element extender of claim 17 wherein said extender comprises: a program code provider configured to provide a set of program code wherein said set is executed whenever a constructor for said class is executed. As per the rejection for claim 10.

**Claim 21**

C++ anticipates a computer program product comprising: a computer usable medium having computer readable program code embodied therein configured for extending a program element (As per claim 1), comprising: computer readable code configured to cause a computer to provide source code wherein said source code includes a program element (DLL as per claim 1); computer readable code configured to cause a computer to determine if said program element is to be extended; and computer readable code configured to cause a computer to extend said program element, if so, using an extend structure ( DLL as per claim 1).

**Claim 22**

The computer program product of claim 21 wherein said program element is defined in a repository of computer code. As per the rejection for claim 2.

**Claim 23**

The computer program product of claim 21 wherein said program element is a function.

As per the rejection for claim 3.

**Claim 24**

The computer program product of claim 23 wherein said computer readable code configured to cause a computer to extend. comprises: compute- readable code configured to cause a computer to provide a set of program code wherein said program code is executed whenever said function is executed. As per the rejection for claim 4.

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**Claim 25**

The computer program product of claim 21 wherein said program element is an enumeration. As per the rejection for claim 5.

**Claim 26**

The computer program product of claim :25 wherein said computer readable code configured to cause a computer to extend comprises: computer readable code configured to cause a computer to provide a set of program code wherein said program code adds one or more elements to said enumeration. As per the rejection for claim 6.

**Claim 27**

The computer program product of claim 21 wherein said program element is a class. As per the rejection for claim 7.

**Claim 28**

The computer program product of claim 27 wherein said computer readable code configured to cause a computer to extend comprises: computer readable code configured to cause a computer to provide a set of program code wherein said program code adds one or more member variables to said class. As per the rejection for claim 8.

**Claim 29**

The computer program product of claim 27 wherein said computer readable code configured to cause a computer to extend comprises: computer readable code configured to cause a computer to provide a set of program code wherein said program code adds one or more member functions to said class. As per the rejection for claim 9.

**Claim 30**

The computer program product of claim 27 wherein said computer readable code configured to cause a computer to extend comprises: computer readable code configured to cause a computer to provide a set of program code wherein said set is executed whenever a constructor for said class is executed. As per the rejection for claim 10.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4,

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2003 the **FAX number** changed for the organization where this application or proceeding is assigned is **(703) 872-9306**.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

Special Notice

4. Please, Note the Examiner's telephone number will change in October when the Art Unit moves to the new location. The Examiner's new telephone number will be as follows:

**(571) 272-3723**

A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long, sweeping horizontal line extending to the right.

**Todd Ingberg**  
Primary Examiner  
Art Unit 2124  
September 5, 2004